

**REMARKS**

Claims 2, 7-8 and 3-16 have been rejected under 35 U.S.C. §103 (a) over Katsuki in view of Goetz.

For the reasons below, the amended claims are believed to be patentable over the cited references.

Independent claims 13 to 16 have been amended so as to further clarify the distinction over the cited art.

The new independent claims 13 to 16 relate to a base station being configured to receive information on the size of a data file to be sent to the user equipment to determine whether or not the available data storage capacity of the user equipment is sufficient to receive the full data file, and if not sufficient the base station does not send the data file; the base station also being configured to use the information specifying the size of the data file to be sent, to perform a calculation based also on an estimate of battery power usage during transfer of the file, to determine whether there is sufficient battery charge available to receive the full data file, and if the battery charge is determined as not sufficient the base station does not send the data file (emphasis added). Neither Katsuki nor Goetz disclose or suggest this combination of features, which advantageously helps to prevent particular data files being sent which cannot be received by mobiles.

More specifically, the Examiner is incorrect in stating that Katsuki discloses "the base station also being configured to use the information specifying the size of the data file to be sent to determine whether there is sufficient battery charge available to receive the full data file".

The cited passages of Katsuki disclose an arrangement in which two parameters are used to determine if a radio portable information terminal should be enabled to receive or transmit data. A battery state detection unit 17 (as shown in Figure 2) is arranged to monitor the battery unit 16 and send its output to a controller 15. The terminal also includes a receiving electrical field detection unit 13, which receives a signal from the transmission/reception radio unit 12

connected to the antenna 11 of the portable information terminal. The battery level and electrical field level information is used to indicate if different forms of communication are possible or impossible, as illustrated in Figure 5. The determination of "possible" or "impossible" is used in the communications system to avoid the wasteful transmission of data, for example, when the portable information terminal is not able to receive it because the battery level or the electrical field level are insufficient.

Figures 3 and 4 of Katsuki illustrate the processing carried out to determine the information for the data transmission/reception enabling detection table of Figure 5. The accompanying passage of the specification, at Column 5, line 13 onwards describes how firstly the power source is turned on. The battery capacity is determined and the battery level determined to check if it is level 4 or greater. If it is too low, a data transmission/reception impossible signal is formulated and sent to a base station. Then the current receiving electrical field level is determined. If it is insufficient, a reception/transmission impossible signal is formulated and transmitted to a base station. Thus, a determination is made as to whether to activate the portable information terminal for reception or transmission without any reference whatsoever to parameters remote from the terminal. This determination is made with no awareness as to whether it is to be followed by a data transmission from the base station. The determination is carried out regardless. Consequently, it can be appreciated that the determination is also carried out without any reference to a data file that it might be proposed to send to the portable terminal. In Katsuki's arrangement, no information concerning such a particular data file is available. The determination is thus not affected by the characteristics of such a file, for example its size.

In the present invention, the size of a data file is used when determining whether or not to transmit that file given the current battery charge of the user equipment. Claims 13 to 16 have been amended to further emphasise this distinction between the present invention and Katsuki. Goetz et al. also does not disclose an arrangement in which the base station uses information concerning the size of a data file in conjunction with received information as to the level of

user equipment battery charge to determine whether to transmit a particular data file to the user equipment.

The rejections of all dependent claims should also be removed inasmuch as all these claims are dependent on what are now believed to be allowable claims.

For the reasons above, the new independent claims are neither anticipated by nor obvious over the cited references and should accordingly be allowed. The dependent claims thereon should also therefore be allowed. Passage to issue of the subject application is therefore respectfully requested. Should the Examiner feel that the present application is not yet in a condition for allowance and that a telephone or personal interview would be helpful, he is invited to contact applicants' undersigned attorney at **973, 386 8252**.

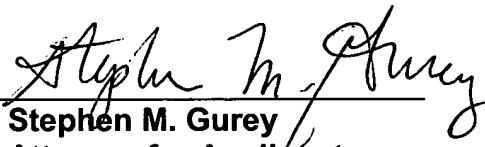
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